

## THIRD DAY

Friday, January 20, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend William Allport, St. Peter's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

The President announced that he had read and approved the Journal of the Second Day.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 1 to 148) were read by the Clerk and were placed on file:

Gov. Msg. No. 1, dated April 26, 2005, transmitting the Annual Report for the Housing and Community Development Corporation of Hawaii for Fiscal Year 2002-2003.

Gov. Msg. No. 2, dated May 6, 2005, transmitting a report prepared by the Department of Hawaiian Home Lands on the reporting requirements of Act 41, Section 37.1, SLH 2004, the General Appropriations Act of 2004, updated as of March 31, 2005.

Gov. Msg. No. 3, dated May 10, 2005, transmitting the Department of Health 2004 Annual Report – Healthy People, Healthy Communities, Healthy Islands.

Gov. Msg. No. 4, dated May 18, 2005, transmitting the FY 2004 Annual Report of the Natural Energy Laboratory of Hawaii Authority, pursuant to Chapter 227D, HRS.

Gov. Msg. No. 5, dated May 20, 2005, transmitting the Office of Youth Services' Reports on Youth Gangs: Volume I: Gangs in Hawaii: Past and Present Findings (Report No. 418); and Volume II: Gender, Ethnicity, and Delinquency in Hawaii (Report No. 419), prepared by Dr. Meda Chesney-Lind, Principal Investigator, Center for Youth Research, Social Science Research Institute, University of Hawaii.

Gov. Msg. No. 6, dated June 15, 2005, transmitting a report, "Statistics of Hawaii Agriculture 2003," prepared by the Department of Agriculture, Agricultural Development Division, and the U.S. Department of Agriculture, National Agricultural Statistics Service.

Gov. Msg. No. 7, dated July 7, 2005, transmitting a report prepared by the Department of Human Services, pursuant to H.B. No. 100, Section 42 (2005), on the Department's progress toward the achievement of Temporary Assistance for Needy Families (TANF).

Gov. Msg. No. 8, dated July 15, 2005, transmitting on the Operations Review Project, Findings and Recommendations Report, prepared by the Department of Land and Natural Resources, Bureau of Conveyances, pursuant to Act 200, Section 61, SLH 2003.

Gov. Msg. No. 9, dated August 1, 2005, transmitting a Report on Deployed Positions, pursuant to Act 178, Section 164, SLH 2005.

Gov. Msg. No. 10, dated August 1, 2005, transmitting a report prepared by the Department of Human Services, pursuant to Act 178, Section 43, SLH 2005.

Gov. Msg. No. 11, dated August 5, 2005, transmitting the Department of Defense's Annual Report for Fiscal Year Ending June 30, 2004.

Gov. Msg. No. 12, dated August 26, 2005, transmitting the Compact of Free Association Grant Plan, 2005.

Gov. Msg. No. 13, dated August 29, 2005, transmitting a report prepared by the Department of Hawaiian Home Lands on the reporting requirements of Act 41, Section 37.1, SLH 2004.

Gov. Msg. No. 14, dated September 30, 2005, transmitting a report, "The Hawaii Community Development Authority's Kalaeloa Master Plan Draft and Technical Appendices," prepared by SMS Research & Marketing Services, Inc., Bay Area Economics, prepared for Belt Collins Hawaii, Ltd., Hawaii Community Development Authority.

Gov. Msg. No. 15, dated October 1, 2005, transmitting a Report on the Practice of Reallocating Funds Between Budget Cost Categories, and the Legal Authority for Such Reallocation, October 2005, prepared by the Department of Public Safety pursuant to Act 178, Section 66, SLH 2005.

Gov. Msg. No. 16, dated October 3, 2005, transmitting the Department of Labor and Industrial Relations' Annual Report for Fiscal Year Ending June 30, 2004, pursuant to Section 371-7, HRS; the Report on Non-General Fund Information; the 2003-2004 Annual Report to the Governor, prepared by the Hawaii Labor Relations Board pursuant to Section 89-5, HRS; the Annual Report of the Hawaii Civil Rights Commission from July 1, 2003 – June 30, 2004; the Annual Evaluation of the Hawaii Unemployment Compensation Fund; the Employment and Training Fund Program (ETF), prepared by the Department of Labor and Industrial Relations, Workforce Development Division; "Hawaii's Workforce in 2005: Addressing the Labor Shortage and Improving the Pipeline," prepared by the Department of Labor and Industrial Relations, Hawaii's Workforce Development Council, pursuant to H.C.R. No. 112 (2004); a Report Urging the Department of Labor and Industrial Relations to Enforce the Provisions of Act 44, SLH 2003, pursuant to H.C.R. No. 77 (2004); a Report of Contested Cases from July 1, 2003 – June 30, 2004; and a report prepared by the Hoisting Machine Operators' Advisory Board.

Gov. Msg. No. 17, dated October 3, 2005, transmitting a Report on Unauthorized Positions, pursuant to Act 178, Section 167, SLH 2005.

Gov. Msg. No. 18, dated October 5, 2005, transmitting a report prepared by the Department of Human Services, Social Services Division, on Multi-Agency Case Coordinators and Case Support Aides, pursuant to Act 178, Section 37, SLH 2005.

Gov. Msg. No. 19, dated October 5, 2005, transmitting the Spouse and Child Abuse Special Account Annual Report for FY 2005, prepared by the Department Human Services, Social Services Division, pursuant to Section 346-7.5, HRS.

Gov. Msg. No. 20, dated October 14, 2005, transmitting a report prepared by the Department of Human Services on the transfer of funds between program IDs and cost elements, pursuant to Act 178, Section 162, SLH 2005.

Gov. Msg. No. 21, dated October 19, 2005, transmitting the Progress Report of the Implementation of A.R.T.S. FIRST: Hawaii's Arts Education Strategic Plan 2001-2006, prepared by the Hawai'i State Foundation on Culture and the Arts on behalf of the ARTS FIRST PARTNERS aka Hawai'i Arts Education Partners pursuant to Act 306, SLH 2001.

Gov. Msg. No. 22, dated October 26, 2005, transmitting the Annual Report of the Tobacco Enforcement Unit for Fiscal Year 2004-2005, prepared by the Department of the Attorney General pursuant to Section 28-15, HRS.

Gov. Msg. No. 23, dated October 26, 2005, transmitting the Report of the Investigations Division Cold Case Squad for Fiscal Year 2004-2005, prepared by the Department of the Attorney General pursuant to Act 178, Section 75, SLH 2005.

Gov. Msg. No. 24, dated October 26, 2005, transmitting the Report of the Drug Nuisance Abatement Unit, prepared by the Department of the Attorney General pursuant to Act 178, Section 76, SLH 2005.

Gov. Msg. No. 25, dated October 26, 2005, transmitting a Report Concerning Special, Trust, and Revolving Funds for Fiscal Year 2004-2005, prepared by the Department of the Attorney General pursuant to Act 178, Section 161, SLH 2005.

Gov. Msg. No. 26, dated November 2, 2005, transmitting the 2005 Annual Update Report on Home Property Liens, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 346-29.5, HRS.

Gov. Msg. No. 27, dated November 2, 2005, transmitting a report prepared by the Department of Human Services, Social Services Division, on the Nursing Home Without Walls and the Residential Alternative Community Care Programs, pursuant to Act 178, Section 40, SLH 2005.

Gov. Msg. No. 28, dated November 9, 2005, transmitting a report prepared by the Department of Human Services on the department's position vacancies of over one year, pursuant to Act 178, Section 159, SLH 2005.

Gov. Msg. No. 29, dated November 21, 2005, transmitting a Report on Employer Contributions for Health Benefits, Social Security/Medicare, and Pension Accumulation for Charter School Employees for the Period July 1, 2005 to October 31, 2005, prepared by the Department of Budget and Finance pursuant to Act 178, Sections 44 and 46, SLH 2005.

Gov. Msg. No. 30, dated November 22, 2005, transmitting a Report Relating to the Hawaii Invasive Species Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 41, Section 18.1, SLH 2004, and Act 178, Section 19, SLH 2005.

Gov. Msg. No. 31, dated November 23, 2005, transmitting a report prepared by the Department of Human Services, Social Services Division, on the Title IV-E Eligibility Determination Unit for FY 2006 and FY 2007, pursuant to Act 178, Section 38, SLH 2005.

Gov. Msg. No. 32, dated November 25, 2005, transmitting a Report Relating to Public Land Liability, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, Na Ala Hele Trail and Access Program, pursuant to Act 82, Section 4, SLH 2003.

Gov. Msg. No. 33, dated November 25, 2005, transmitting a Report on Administratively Established Accounts and Funds,

prepared by the Department of Land and Natural Resources pursuant to Section 37-52.5, HRS.

Gov. Msg. No. 34, dated November 25, 2005, transmitting the Annual Report on Geothermal Royalties and Geothermal and Cable Development Activities, prepared by the Department of Land and Natural Resources pursuant to Sections 182-18 and 196D-11, HRS.

Gov. Msg. No. 35, dated November 25, 2005, transmitting a Report on the Implementation of Chapter 190D, Hawaii Revised Statutes, Ocean and Submerged Lands Leasing, prepared by the Department of Land and Natural Resources and the Department of Agriculture pursuant to Act 176, Section 12, SLH 1999.

Gov. Msg. No. 36, dated November 25, 2005, transmitting a report prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, urging the Commission on Water Resource Management to fulfill its constitutional and statutory mandate to protect public instream uses, pursuant to H.C.R. No. 293 (2005).

Gov. Msg. No. 37, dated November 25, 2005, transmitting the Annual Report on Identification of Rivers and Streams Worthy of Protection, prepared by the Department of Land and Natural Resources, Commission on Water Resource Management, pursuant to Section 174C-31, HRS.

Gov. Msg. No. 38, dated November 25, 2005, transmitting the Annual Report on the Hawaii Historic Preservation Special Fund for Fiscal Year 2004-2005, prepared by the Department of Land and Natural Resources pursuant to Section 6E-3, HRS.

Gov. Msg. No. 39, dated November 25, 2005, transmitting the Annual Report Relating to the Forest Stewardship Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195F-6, HRS.

Gov. Msg. No. 40, dated November 25, 2005, transmitting the Annual Report on the Hawaii Statewide Trail and Access System, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 198D-9, HRS.

Gov. Msg. No. 41, dated November 25, 2005, transmitting the Annual Report on the Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund for the Period July 1, 2004 – June 30, 2005, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-26, HRS.

Gov. Msg. No. 42, dated November 25, 2005, transmitting the Annual Report Relating to the Wildlife Revolving Fund for Fiscal Year 2004-2005, prepared by the Department of Land and Natural Resources pursuant to Section 183D-10.5, HRS.

Gov. Msg. No. 43, dated November 25, 2005, transmitting the Annual Report Relating to Invasive Species, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 85, SLH 2003.

Gov. Msg. No. 44, dated November 25, 2005, transmitting the Annual Report on the Status of the Kaho'olawe Rehabilitation Trust Fund for Fiscal Year 05, prepared by the Department of Land and Natural Resources, Kaho'olawe Island Reserve Commission, pursuant to Section 6K-9.5, HRS.

Gov. Msg. No. 45, dated November 25, 2005, transmitting a report prepared by the Department of Land and Natural Resources, pursuant to S.C.R. No. 143 (2005), requesting participation in a federal program to assist states in obtaining scrapped federal ships to use as artificial reefs in the waters of the State of Hawaii.

Gov. Msg. No. 46, dated November 28, 2005, transmitting the Annual Report on Administratively Established Appropriations, prepared by the Department of Agriculture pursuant to Act 178, SLH 2002.

Gov. Msg. No. 47, dated November 22, 2005, transmitting the Annual Report of Proceedings Under the Hawaii Omnibus Criminal Forfeiture Act for Fiscal Year 2004-2005, prepared by the Department of the Attorney General.

Gov. Msg. No. 48, dated November 25, 2005, transmitting a report prepared by the Department of Hawaiian Home Lands on the reporting requirements of Act 178, Section 166, SLH 2005.

Gov. Msg. No. 49, dated November 28, 2005, transmitting the Hawaii Injury Prevention Plan, 2005-2010, prepared by the Department of Health, Injury Prevention and Control Program.

Gov. Msg. No. 50, dated November 28, 2005, transmitting a Report on the Drinking Water Treatment Revolving Loan Fund, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Safe Drinking Water Branch, Wastewater Branch, pursuant to Section 340E-33, HRS.

Gov. Msg. No. 51, dated November 28, 2005, transmitting the Annual Financial Report for the Newborn Metabolic Screening Special Fund, prepared by the Department of Health pursuant to Section 321-291, HRS.

Gov. Msg. No. 52, dated November 28, 2005, transmitting a Report on Unused Prescription Drugs, prepared by the Department of Health pursuant to Act 190, Section 8, SLH 2004, Requiring the Department of Health to Report the Implementation and Operation of the Prescription Drug Repository Program and Drug Donations,

Gov. Msg. No. 53, dated November 28, 2005, transmitting a Report on the Upcountry Maui Drinking Water Systems, prepared by the Department of Health, pursuant to H.C.R. No. 222 (2005), Requesting the Department of Health to review and strengthen its water quality standards and practices.

Gov. Msg. No. 54, dated November 28, 2005, transmitting a report prepared by the Department of Health, Health Resources Administration, Family Health Services Division, Maternal and Child Health Branch, pursuant to H.C.R. No. 10 (2005), requesting the emergency contraception interagency work group to develop a mechanism to effectively disseminate information on the availability of over-the-counter emergency contraception in the state.

Gov. Msg. No. 55, dated December 5, 2005, transmitting the Annual Report Relating to Agricultural Marketing, prepared by the Agribusiness Development Corporation pursuant to Act 194, SLH 2002.

Gov. Msg. No. 56, dated November 22, 2005, transmitting the Report on Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies for Fiscal Year 2004-2005, prepared by the Department of the Attorney General.

Gov. Msg. No. 57, dated November 28, 2005, transmitting the Annual Report on the State Risk Management Revolving Fund on the Transfer of Funds for Risk Management, prepared by the Department of Accounting and General Services pursuant to Act 178, Section 139, SLH 2005.

Gov. Msg. No. 58, dated November 29, 2005, transmitting the 2005 Kaneohe Bay Regional Council Annual Report, submitted on behalf of the Kaneohe Bay Regional Council by the Department of Land and Natural Resources pursuant to Section 200D-5, HRS.

Gov. Msg. No. 59, dated December 5, 2005, transmitting the Annual Report on the Wireless Enhanced 911 Board for the Period July 1, 2005 to June 30, 2005, prepared by the Department of Accounting and General Services pursuant to Section 138-6, HRS.

Gov. Msg. No. 60, dated December 5, 2005, transmitting the Annual Report of the State Educational Facilities Improvement Special Fund for Fiscal Year 2004-2005, prepared by the Department of Accounting and General Services pursuant to Section 36-32, HRS.

Gov. Msg. No. 61, dated December 5, 2005, transmitting the Department of Accounting and General Services' Annual Report on Privatization for the Period July 1, 2004 to June 30, 2005, pursuant to Act 90, SLH 2001.

Gov. Msg. No. 62, dated December 5, 2005, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for \$10,000 or Less for Fiscal Year 2004-2005, pursuant to Section 41D-4, HRS.

Gov. Msg. No. 63, dated November 29, 2005, transmitting the Department of Land and Natural Resources' Division of State Parks Report to Establish a South Kona - Ka'u Coastal Conservation Task Force, prepared by the Department of Land and Natural Resources pursuant to H.C.R. No. 5 (2005).

Gov. Msg. No. 64, dated December 2, 2005, transmitting a report prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to H.C.R. No. 88 (2005), requesting the Department of Land and Natural Resources to consider imposing restrictions on public access to the Ahihi-Kinai Natural Area Reserve.

Gov. Msg. No. 65, dated December 2, 2005, transmitting the Annual Report Relating to the NARS and Natural Area Partnership Program and the Financial Condition of the Natural Area Reserve Fund, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195-6.6, HRS.

Gov. Msg. No. 66, dated December 6, 2005, transmitting the Public Utilities Commission's 2004 Annual Report on Special Purpose Revenue Bonds Authorized Under Act 262, SLH 1998.

Gov. Msg. No. 67, dated December 6, 2005, transmitting the Department of Public Safety's Annual Report on the Status of the Federal Reimbursement Maximization Special Fund for Fiscal Year 2005, pursuant to Section 353C-7, HRS; a Report Relating to the State Budget, pursuant to Act 178, SLH 2005; a Report on Expenditures for the Housing of Inmates at Mainland Correctional Facilities; and a Report on Expenditures for the Housing of Inmates at the Hawaii-Based Federal Detention Center and Mainland Correctional Facilities, pursuant to Act 178, Sections 64 and 65, SLH 2005.

Gov. Msg. No. 68, dated December 9, 2005, transmitting the Department of Land and Natural Resources' Status Report from the Task Force on Beach and Water Safety, pursuant to Act 190, SLH 1996, as amended by Act 101, SLH 1999, as amended by Act 170, SLH 2002.

Gov. Msg. No. 69, dated December 6, 2005, transmitting the Annual Report on Incentives and Strategies for Primary Health Care Incentive Program and the Primary Care Roundtable, prepared by the Department of Health pursuant to Section 321-1.5, HRS.

Gov. Msg. No. 70, dated December 6, 2005, transmitting the Annual Report Regarding Services for Persons with Developmental Disabilities or Mental Retardation, prepared by the Department of Health pursuant to Chapter 333F, Section 6, HRS.

Gov. Msg. No. 71, dated December 7, 2005, transmitting a Report on How the Department of Commerce and Consumer Affairs' Expenditures will be Aligned with its Special Fund Revenue Collections, prepared by the Department of Commerce and Consumer Affairs pursuant to Act 178, Section 68, SLH 2005.

Gov. Msg. No. 72, dated December 8, 2005, transmitting the Department of Budget and Finance's Report on Employer Contributions for Health Benefits, Social Security/Medicare, and Pension Accumulation for Charter School Employees for the Period July 1, 2005 to October 31, 2005, pursuant to Act 178, Sections 44 and 46, SLH 2005.

Gov. Msg. No. 73, dated December 9, 2005, transmitting the Annual Report Relating to Land Conservation Fund for Fiscal Year 2006, prepared by the Department of Land and Natural Resources pursuant to Section 173A-5, HRS.

Gov. Msg. No. 74, dated December 6, 2005, transmitting the Department of Public Safety's FY 2005 Annual Report on Correctional Industries, pursuant to Section 354D-3.5, HRS.

Gov. Msg. No. 75, dated December 8, 2005, transmitting the Department of Transportation's Special Maintenance Reports, pursuant to Act 178, Sections 10, 12 and 15, SLH 2005.

Gov. Msg. No. 76, dated December 8, 2005, transmitting the Department of Transportation's Report Covering an Update on Contraflow and Other Traffic Mitigation Measures for Pali Highway, pursuant to Act 178, Section 17, SLH 2005.

Gov. Msg. No. 77, dated December 14, 2005, transmitting a Report Requiring all Departments and Agencies to Identify Their Goals, Objectives, and Policies to Provide a Basis for Determining Priorities and Allocating Limited Public Funds and Human Resources, prepared by the Department of Land and Natural Resources, pursuant to Act 100, Sections 6 and 7, SLH 1999.

Gov. Msg. No. 78, dated December 15, 2005, transmitting the Department of Budget and Finance's Plan of Action for Implementation of Goals and Objectives, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 79, dated December 8, 2005, transmitting the Department of Agriculture's Annual Report, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 80, dated December 14, 2005, transmitting the Pesticide Use Revolving Fund Annual Report for Fiscal Year Ending June 30, 2005, prepared by the Department of Agriculture pursuant to Act 154, SLH 2000.

Gov. Msg. No. 81, dated December 19, 2005, transmitting the Annualized and Projected Report on Revenues, Expenditures and Number of Meals to be Served, prepared by the Department of Education pursuant to Act 178, Section 48, SLH 2005.

Gov. Msg. No. 82, dated December 19, 2005, transmitting the Capital Improvement Program and Repair and Maintenance Program Transfer Report, prepared by the Department of Education pursuant to Act 178, Section 168, SLH 2005.

Gov. Msg. No. 83, dated December 19, 2005, transmitting the Annual Report for Repair and Maintenance of Public School Facilities in the State of Hawaii, prepared by the Department of Education pursuant to Sections 36-35, 36-36, 302A-1312, HRS and Act 189, SLH 2005.

Gov. Msg. No. 84, dated December 19, 2005, transmitting a Report on the Two-Tiered Junior Kindergarten and Kindergarten Program, prepared by the Department of Education pursuant to Act 219, SLH 2004.

Gov. Msg. No. 85, dated December 19, 2005, transmitting the Executive Supplemental Budget (Budget Period: 2005-2007), pursuant to Section 37-72, HRS; the Variance Report for Fiscal Years 2005-2006, pursuant to Section 37-75, HRS; and the FY 2007 Executive Supplemental Budget in Brief, prepared by the Department of Budget and Finance.

Gov. Msg. No. 86, dated December 9, 2005, transmitting the Department of Transportation's Harbor Division Report on Actual Expenditures of All Security Appropriations as of June 30, 2005, pursuant to Act 178, Section 14, SLH 2005.

Gov. Msg. No. 87, dated December 12, 2005, transmitting the Report on the Establishment of Separate Series for Social Workers and Human Services Professionals and the Development of a Transition Plan in Collaboration with Stakeholder Groups, prepared by the Department of Human Resources Development pursuant to Act 238, SLH 2005 and H.C.R. No. 265 (2005).

Gov. Msg. No. 88, dated December 15, 2005, transmitting the Public Utilities Commission's Special Fund Report for Fiscal Year 2004-2005, pursuant to Section 269-33 HRS

Gov. Msg. No. 89, dated December 15, 2005, transmitting the Annual Report of the Public Utilities Commission for Fiscal Year 2004-2005, pursuant to Section 269-5, HRS.

Gov. Msg. No. 90, dated December 16, 2005, transmitting the 2005 Annual Compliance Resolution Fund Report for Fiscal Year Ending June 30, 2005, prepared by the Department of Commerce and Consumer Affairs pursuant to Section 26-9, HRS.

Gov. Msg. No. 91, dated December 16, 2005, transmitting the 2005 Annual Report of the Hawaii Real Estate Commission for Fiscal Year Ending June 30, 2005, prepared by the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, Real Estate Branch.

Gov. Msg. No. 92, dated December 16, 2005, transmitting the Insurance Commissioner's Report on the Effectiveness of the Hawaii Insurance Bureau's Fire Rating Program, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to H.C.R. No. 113 (2005).

Gov. Msg. No. 93, dated December 16, 2005, transmitting the Insurance Commissioner's Report on the Advisability of

Entering Interstate Compacts with Other States Concerning Certain Perils Affecting the Cost of Property and Casualty Insurance, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to H.C.R. No. 4 (2005).

Gov. Msg. No. 94, dated December 16, 2005, transmitting the Annual External Review Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 432E-13, HRS.

Gov. Msg. No. 95, dated December 16, 2005, transmitting the Condominium Dispute Resolution Pilot Program Report, prepared by the Department of Commerce and Consumer Affairs pursuant to Act 164, SLH 2004, as amended by Act 92, SLH 2005.

Gov. Msg. No. 96, dated December 16, 2005, transmitting the 2005 Annual Report of the Medical Claims Conciliation Panel, prepared by the Department of Commerce and Consumer Affairs pursuant to Section 671-20, HRS.

Gov. Msg. No. 97, dated December 19, 2005, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives for the Period July 1, 2004 to June 30, 2005, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 98, dated December 19, 2005, transmitting a Report on the Mandatory Expulsion Policy for Possession of a Firearm for School Year 2004-05, prepared by the Department of Education pursuant to Section 302A-1134, HRS.

Gov. Msg. No. 99, dated December 19, 2005, transmitting a Report on Civil Service Exempt Positions, prepared by the Department of Education pursuant to H.C.R. No. 270 (2005) and H.R. No. 199 (2005).

Gov. Msg. No. 100, dated December 7, 2005, transmitting a Report Relating to the State Water Pollution Control Revolving Fund of the Department of Health, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Wastewater Branch, pursuant to Section 342D-82, HRS.

Gov. Msg. No. 101, dated December 7, 2005, transmitting a report, "Regarding Maternal and Child Health Services and Contract Services for Early Identification and Home Visiting Services to Support Healthy Start Program," prepared by the Department of Health, pursuant to Act 178, Section 23, SLH 2005.

Gov. Msg. No. 102, dated December 16, 2005, transmitting a Report on the Revenues and Expenditures of the Environmental Response Revolving Fund as of December 1, 2005, prepared by the Department of Health pursuant to Act 178, Section 20, SLH 2005.

Gov. Msg. No. 103, dated December 22, 2005, transmitting a report prepared by the Department of Health, Environmental Council, pursuant to S.C.R. No. 140 (2005), on a process and plan to accomplish environmental justice guidelines.

Gov. Msg. No. 104, dated December 28, 2005, transmitting the Annual Evaluation Report on Elder Programs, prepared by the Department of Health, Executive Office on Aging, pursuant to Section 349-5, HRS.

Gov. Msg. No. 105, dated December 8, 2005, transmitting the Department of the Attorney General's 2006 Goals and Objectives, pursuant to Act 100, Section 7, SLH 1999, as amended by Act 154, SLH 2005.

Gov. Msg. No. 106, dated December 9, 2005, transmitting the Annual Report on Drug Abatement Efforts; and the Annual Report on Schedules for Controlled Substances and Regulated Chemicals for the Manufacture of Controlled Substances, prepared by the Department of Public Safety pursuant to Sections 26-14.6, 329-11 and 329-61, HRS.

Gov. Msg. No. 107, dated December 15, 2005, transmitting a report prepared by the Department of Health, Clean Air Branch, pursuant to S.C.R. No. 135 (2005), requiring the Department of Health to share its findings and a report on the plan with the Big Island community on the vog emission monitoring system.

Gov. Msg. No. 108, dated December 16, 2005, transmitting a report prepared by the Department of Land and Natural Resources, pursuant to S.C.R. No. 51 (2005), requesting a review and analysis of the issues surrounding the shoreline certification process for the purpose of establishing shoreline setbacks.

Gov. Msg. No. 109, dated December 16, 2005, transmitting a report prepared by the Department of Human Services, Benefit, Employment and Support Services Division, to meet the requirements of Act 208, SLH 2004.

Gov. Msg. No. 110, dated December 16, 2005, transmitting a report prepared by the Department of Human Services, Med-QUEST Division, pursuant to Act 209, SLH 2005, on the enrollment and financial status of the State Pharmacy Assistance Program.

Gov. Msg. No. 111, dated December 16, 2005, transmitting a Report Relating to Psychotropic Medication, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Act 239, SLH 2005.

Gov. Msg. No. 112, dated December 16, 2005, transmitting a report prepared by the Department of Human Services, Benefit, Employment and Support Services Division, pursuant to Act 150, SLH 2005 and H.C.R. No. 175 (2005), requiring the establishment of a temporary private preschool licensing and accreditation task force.

Gov. Msg. No. 113, dated December 16, 2005, transmitting a Report of the Task Force on the Electrical and Plumbing Licensing Laws, prepared by the Department of Commerce and Consumer Affairs, Regulated Industries Complaints Office, pursuant to S.R. No. 24 (2005) and S.C.R. No. 49 (2005).

Gov. Msg. No. 114, dated December 19, 2005, transmitting the Annual School-by-School Expenditure Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 115, dated December 19, 2005, transmitting a Report on Federal and Trust Funds, prepared by the Department of Education pursuant to Section 29-25, HRS.

Gov. Msg. No. 116, dated December 19, 2005, transmitting the Annual Report on the Operations of the Incentive and Innovation Grant Award and Review Panel, prepared by the Department of Education pursuant to Section 302A-301, HRS.

Gov. Msg. No. 117, dated December 19, 2005, transmitting the Annual Report on the Federal Grant Search, Development, and Application Revolving Fund, prepared by the Department of Education pursuant to Section 302A-1405, HRS.

Gov. Msg. No. 118, dated December 19, 2005, transmitting the Annual Report on Carryover of Funds, prepared by the Department of Education pursuant to Section 37-41.5, HRS.

Gov. Msg. No. 119, dated December 19, 2005, transmitting the Annual Report on Transfers of Appropriated Funds and Positions, prepared by the Department of Education pursuant to Section 37-74, HRS.

Gov. Msg. No. 120, dated December 19, 2005, transmitting a Report on the School-Level Minor Repairs and Maintenance Account, prepared by the Department of Education pursuant to Section 302A-1504, HRS.

Gov. Msg. No. 121, dated December 19, 2005, transmitting a Report on the Comprehensive Accountability System, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 122, dated December 19, 2005, transmitting a Report on the Hawaii 3R's School Repair and Maintenance Fund, prepared by the Department of Education pursuant to Section 302A-1502.4, HRS.

Gov. Msg. No. 123, dated December 19, 2005, transmitting the Restructured Schools, Accountability of Education Service Provider Report, prepared by the Department of Education pursuant to S.C.R. No. 191 (2005) and H.R. No. 180 (2005).

Gov. Msg. No. 124, dated December 19, 2005, transmitting a Report on Edible School Gardens, prepared by the Department of Education pursuant to S.R. No. 7 (2005) and H.R. No. 21 (2005).

Gov. Msg. No. 125, dated December 19, 2005, transmitting the Annual Report on Educational Assessment and Accountability, prepared by the Department of Education pursuant to Section 302A-1004, HRS.

Gov. Msg. No. 126, dated December 19, 2005, transmitting a Report on the Federal Maximization Program for IDEA/Medicaid Eligible School-Aged Children, prepared by the Department of Education pursuant to Act 141, SLH 2005.

Gov. Msg. No. 127, dated December 19, 2005, transmitting the Substitute Teachers Classification and Compensation Report, prepared by the Department of Education pursuant to Act 70, SLH 2005.

Gov. Msg. No. 128, dated December 19, 2005, transmitting a Report on School Transportation; Extra Curricular Activities; and Summer School, prepared by the Department of Education pursuant to H.C.R. No. 101 (2005).

Gov. Msg. No. 129, dated December 19, 2005, transmitting a Report on the Department of Education's Findings Relating to School-Level Activities that Promote Civic Learning in Students, prepared by the Department of Education pursuant to S.R. No. 102 (2005).

Gov. Msg. No. 130, dated December 19, 2005, transmitting the Annual Report on the Status of the Program for Environmentally-Themed Products to Support the Environment Established Under Section 195D-5.5, Hawaii Revised Statutes, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195D-5.5, HRS.

Gov. Msg. No. 131, dated December 19, 2005, transmitting a Report of Administratively Established New Accounts or

Funds, prepared by the Department of Budget and Finance pursuant to Act 178, SLH 2002.

Gov. Msg. No. 132, dated December 19, 2005, transmitting a Report on Operations of the Filing Office for Financing Statements Under the Uniform Commercial Code, Secured Transactions for Fiscal Year 2004-2005, prepared by the Department of Land and Natural Resources pursuant to Section 490:9-527, HRS.

Gov. Msg. No. 133, dated December 21, 2005, transmitting a Progress Report: "Plan for the Evaluation of Hawaii's Graduated Licensing Program," prepared by the Department of Transportation pursuant to Act 72, Section 12, SLH 2005.

Gov. Msg. No. 134, dated December 21, 2005, transmitting the Annual Report on the Enrollment and Financial Status of the Hawaii Rx Plus Program, prepared by the Department of Human Services, Med-QUEST Division, pursuant to Section 346-319, HRS.

Gov. Msg. No. 135, dated December 22, 2005, transmitting a Report on the Environmental Response Law and Hawaii's Community Right to Know Act Financial and Environmental Site Information, prepared by the Department of Health, pursuant to Chapters 128D and 128E, HRS.

Gov. Msg. No. 136, dated December 22, 2005, transmitting the Annual Financial Report for the Domestic Violence Prevention Special Fund and S.B. 1419, S.D. 1, Related to Domestic and Sexual Violence Services, prepared by the Department of Health, Health Resources Administration, Family Health Services Division, Maternal and Child Health Branch, pursuant to Section 321-1.3, HRS.

Gov. Msg. No. 137, dated December 22, 2005, transmitting the Annual Report of the Hawaii Advisory Commission on Drug Abuse and Controlled Substances (HACDACS) for Fiscal Year 2004-2005, prepared by the Department of Health, Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to Section 329-3, HRS.

Gov. Msg. No. 138, dated December 22, 2005, transmitting the 2005 Environmental Council Annual Report with Recommendations for Improvement, Environmental Report Card 2005, prepared by the Department of Health, Environmental Council, pursuant to Section 341-6, HRS.

Gov. Msg. No. 139, dated December 22, 2005, transmitting a Report on Expenditures on Substance Abuse, Sex Offender, and Mental Health Treatment; and Job Development for Pretrial, Incarcerated, and Parolee Populations, prepared by the Department of Public Safety pursuant to Act 178, Section 63, SLH 2005.

Gov. Msg. No. 140, dated December 22, 2005, transmitting a report prepared by the Department of Health, Tobacco Settlement Special Fund, Healthy Hawaii Initiative, pursuant to S.C.R. No. 7 (2005), requesting the Department of Health to develop a statewide strategic plan to promote obesity prevention and healthy lifestyles.

Gov. Msg. No. 141, dated December 23, 2005, transmitting a report prepared by the Department of Health, STD/AIDS Prevention Branch, pursuant to S.C.R. No. 109 (2005), which requests the Department of Health to make educational materials available, in written and electronic form, on the prevention, diagnosis, and treatment of hepatitis C to physicians, other health care providers, and other persons at high risk for hepatitis C.

Gov. Msg. No. 142, dated December 27, 2005, transmitting a Report on Parental Preferences in Government Contracts, Programs, and Services, prepared by the Executive Branch pursuant to Act 162, SLH 2002.

Gov. Msg. No. 143, dated December 27, 2005, transmitting a Report on Goals, Objectives and Policies, Action Plans and Performance Measures, prepared by the Department of Human Resources Development pursuant to Act 100, Section 7, SLH 1999.

Gov. Msg. No. 144, dated December 28, 2005, transmitting the Annual Report on Initiatives and Improvements in Kalaupapa Settlement and to Track Patient and Non-Patient Costs Separately, Whenever Appropriate and Possible, prepared by the Department of Health pursuant to Section 326-25.5.

Gov. Msg. No. 145, dated December 28, 2005, transmitting the TANF Progress Report, prepared by the Department of Human Services pursuant to Act 178, Section 42, SLH 2005.

Gov. Msg. No. 146, dated December 28, 2005, transmitting a report prepared by the Department of Health, Tobacco Settlement Special Fund, The Healthy Hawaii Initiative, pursuant to Act 178, Section 25, SLH 2005, requiring the Department of Health to prepare a yearly detailed progress report on the status of the Healthy Hawaii Initiative and to identify the impact on any aspect of the Healthy Hawaii Initiative success due to the reallocation of funds from the tobacco settlement fund to the healthy start purchase of service contracts.

Gov. Msg. No. 147, dated December 29, 2005, transmitting a report prepared by the Housing and Community Development Corporation of Hawaii, pursuant to Act 178, Section 39, SLH 2005, requesting the Department of Human Services to submit a report identifying the number of homeless persons assisted in the prior two fiscal years and the number of individuals anticipated to be assisted in the current and succeeding fiscal year.

Gov. Msg. No. 148, dated December 29, 2005, transmitting a Report of the Working Group to Review the National Conference of Insurance Legislators (NCOIL) Property-Casualty Insurance Modernization Act, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to H.C.R. No. 83 (2005).

#### DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 28) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the State Auditor dated November 25, 2005, transmitting a report, "Audit of the Deposit Beverage Container Program," (Report No. 05-09).

Dept. Com. No. 2, from the State Auditor dated May 31, 2005, transmitting a report, "Audit of Selected State Agencies' Procurement of Professional Services Contracts," (Report No. 05-05).

Dept. Com. No. 3, from the State Auditor dated July 7, 2005, transmitting a report, "Audit of Wai'ala'e Elementary Public Charter School," (Report No. 05-06).

Dept. Com. No. 4, from the State Auditor dated August 4, 2005, transmitting a report, "Follow-Up Audit of the Foster Board Payment Program," (Report No. 05-07).

Dept. Com. No. 5, from the State Auditor dated November 8, 2005, transmitting a report, "Review of Revolving Funds, Trust Funds, and Trust Accounts of the Judiciary and the Departments of Commerce and Consumer Affairs, Hawaiian Home Lands, Health, and Human Services," (Report No. 05-08).

Dept. Com. No. 6, from the University of Hawaii dated November 28, 2005, transmitting the Annual Report on the Research and Training Revolving Fund 2004-2005, pursuant to Section 304.81, HRS.

Dept. Com. No. 7, from the University of Hawaii dated November 28, 2005, transmitting the Annual Report on the Discoveries and Inventions Revolving Fund, pursuant to Chapter 304-8.92, HRS.

Dept. Com. No. 8, from the University of Hawaii dated November 29, 2005, transmitting the Annual Report on Uncollectible Accounts, pursuant to Chapter 40-82, HRS.

Dept. Com. No. 9, from the University of Hawaii dated December 19, 2005, transmitting the Annual Report on Feasibility of Stem Cell Research for Hawai'i, pursuant to S.C.R. No. 200 (2005).

Dept. Com. No. 10, from the University of Hawaii dated December 19, 2005, transmitting the Annual Report on Revenues, Distributions, Expenditures and Cash Balance from the Research and Training Revolving Fund, pursuant to Act 178, Section 163, SLH 2005.

Dept. Com. No. 11, from the University of Hawaii dated December 20, 2005, transmitting the Annual Report on the University of Hawaii Civil Service Exempt Positions, pursuant to H.C.R. No. 270 (2005).

Dept. Com. No. 12, from the State Auditor dated December 22, 2005, transmitting a report, "Sunrise Analysis: Condominium Association Managers," (Report No. 05-10).

Dept. Com. No. 13, from the State Auditor dated December 23, 2005, transmitting a report, "Audit of Selected Hiring Policies and Practices of the Executive Branch of Government," (Report No. 05-12).

Dept. Com. No. 14, from the State Auditor dated December 23, 2005, transmitting a report, "Sunrise Analysis: Check Cashing and Deferred Deposit Agreements (Payday Loans)," (Report No. 05-11).

Dept. Com. No. 15, from the University of Hawaii dated December 23, 2005, transmitting the Annual Report on the Center for Smart Building and Community Design, pursuant to S.C.R. No. 173 (2005) and H.C.R. No. 166 (2005).

Dept. Com. No. 16, from the University of Hawaii dated December 23, 2005, transmitting the Annual Report for 2004 and 2005 on General Fund Appropriation Transfers Between Program IDs, pursuant to Act 200, Section 54, SLH 2003.

Dept. Com. No. 17, from the University of Hawaii dated December 23, 2005, transmitting Reports for 2004 and 2005 on the Review of the UH's Non-General Funds and Accounts, pursuant to Act 200, Section 55, SLH 2003.

Dept. Com. No. 18, from the University of Hawaii dated December 23, 2005, transmitting the Annual Report on Transfer of Appropriated Funds and Positions, pursuant to Section 37-74, HRS.

Dept. Com. No. 19, from the University of Hawaii dated December 23, 2005, transmitting the Annual Report on the University of Hawaii Special, Revolving, and Trust Funds for the Fiscal Year Ended June 30, 2005, pursuant to Sections 304-7 and 304-8, HRS.

Dept. Com. No. 20, from the University of Hawaii dated December 23, 2005, transmitting the Annual Report on Special and Revolving Fund Expenditures in Excess of Each Fund's Appropriation Approved by the President, pursuant to Section 304-7.8, HRS.

Dept. Com. No. 21, from the State Auditor dated December 27, 2005, transmitting a report, "Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve," (Report No. 05-13).

Dept. Com. No. 22, from the Ombudsman dated December 27, 2005, transmitting the "Report of the Ombudsman," (Report No. 36), pursuant to Section 96-16, HRS.

Dept. Com. No. 23, from the Hawaii Tourism Authority dated December 12, 2005, transmitting the Hawaii Tourism Authority's 2005 Annual Report.

Dept. Com. No. 24, from the State Auditor dated December 29, 2005, transmitting a report, "Systemwide Financial Audit of the University of Hawai'i System: Phase I," (Report No. 05-15).

Dept. Com. No. 25, from the Supreme Court of Hawaii dated December 29, 2005, transmitting the Final Report of the Appellate Review Task Force, pursuant to Act 202, Section 83, SLH 2004.

Dept. Com. No. 26, from the Supreme Court of Hawaii dated December 29, 2005, transmitting the Final Report of the Committee to Conduct a Comprehensive Review of the Hawai'i Penal Code, pursuant to Act 125, SLH 2005.

Dept. Com. No. 27, from the State Auditor dated December 30, 2005, transmitting the "Hawai'i 2050 Sustainability Task Force Report," pursuant to Act 8, Special Session 2005.

Dept. Com. No. 28, from the State Auditor dated January 4, 2006, transmitting a report, "Management Audit of the Division of Conservation and Resources Enforcement," (Report No. 06-01).

#### INTRODUCTION OF SENATE BILLS

On motion by Senator Hee, seconded by Senator Hogue and carried, the following bills passed First Reading by title and were deferred:

##### Senate Bill

2061 "A BILL FOR AN ACT RELATING TO PART-TIME, TEMPORARY, AND SEASONAL OR CASUAL PUBLIC EMPLOYEES."

Introduced by: Senators Hee, Chun Oakland, Nishihara, Sakamoto.

No. 2062 "A BILL FOR AN ACT RELATING TO INDEPENDENT EDUCATIONAL INSTITUTIONS."

Introduced by: Senators Hee, Baker, Fukunaga, Kim, Kanno, Nishihara, Chun Oakland, Espero, Sakamoto, Kokubun.

No. 2063 "A BILL FOR AN ACT RELATING TO STATE BONDS."

Introduced by: Senator Taniguchi.

No. 2064 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII-WEST OAHU."

Introduced by: Senator Espero.

No. 2065 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION."

Introduced by: Senators Espero, Inouye, Fukunaga, Bunda, Tsutsui, Hooser, Menor.

No. 2066 "A BILL FOR AN ACT RELATING TO CAPITAL PUNISHMENT."

Introduced by: Senator Espero.

No. 2067 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senator Taniguchi.

No. 2068 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS."

Introduced by: Senator Taniguchi.

No. 2069 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Senator Taniguchi.

No. 2070 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."

Introduced by: Senator Taniguchi.

No. 2071 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STIPENDS FOR ASSISTANT ATHLETIC DIRECTORS AND COACHES EMPLOYED BY THE DEPARTMENT OF EDUCATION."

Introduced by: Senator Taniguchi.

No. 2072 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ATHLETIC HEALTH CARE TRAINERS IN PUBLIC SCHOOLS."

Introduced by: Senator Taniguchi.

No. 2073 "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST."

Introduced by: Senators Taniguchi, Hanabusa.

No. 2074 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1."

Introduced by: Senator Taniguchi.

No. 2075 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAMPBELL HIGH SCHOOL."

Introduced by: Senators Espero, Chun Oakland.



No. 2076 "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION."

Introduced by: Senators Fukunaga, Espero, Ige.

No. 2077 "A BILL FOR AN ACT RELATING TO INCOME TAX DEDUCTIONS."

Introduced by: Senators Fukunaga, Espero, Ige.

No. 2078 "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING."

Introduced by: Senators Fukunaga, English, Ihara, Ige.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

#### **ADJOURNMENT**

At 12:03 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 9:30 o'clock a.m., Monday, January 23, 2006.